

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JUSTIN MAPLES,

Plaintiff,

v.

No. CIV 12-0294 JB/RHS

MATTHEW VOLLMER,
an Officer of the Albuquerque
Police Department, Individually,

DAVID FOX, an Officer of the Albuquerque
Police Department, Individually,

CITY OF ALBUQUERQUE,
a municipality organized under the
laws of the State of New Mexico,

Defendants.

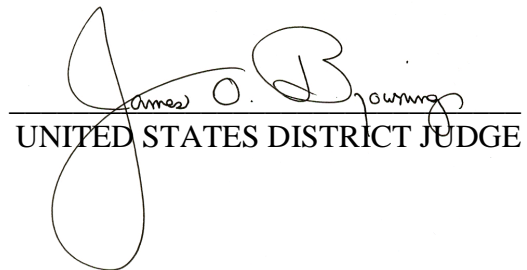
FINAL JUDGMENT

THIS MATTER came before the Court, on March 14 and 15, 2013, for a jury trial on Plaintiff Justin Maples' unlawful arrest, unlawful seizure, and excessive force claims in violation of the Fourth Amendment to the United States Constitution, a 42 U.S.C. § 1983 municipal liability claim against the Defendant City of Albuquerque for failure to train and/or supervise Defendants Matthew Vollmer and David Fox, and his unlawful arrest, unlawful seizure, assault, battery, and respondeat superior claims under the laws of the State of New Mexico. Also before the jury was the issue of damages, both compensatory and punitive, on Maples' claims. At the close of Maples' case-in-chief at trial, pursuant to rule 50(a) of the Federal Rules of Civil Procedure, the Court granted the Defendants' judgment as a matter of law against Maples, and dismissed Maples' Fourth-Amendment unlawful-arrest and unlawful-seizure claims, his unlawful arrest, unlawful seizure, and assault claims under the laws of the State of New Mexico against Vollmer and

Defendant David Fox, his § 1983 municipal liability claim and respondeat superior claim against Defendant City of Albuquerque, and accordingly dismissed Vollmer and the City of Albuquerque from the case. The jury found in favor of Fox on Maples' Fourth-Amendment excessive-force claim, and also on his battery claim. The jury thus did not find the Defendants liable and did not award any damages to Maples.

The parties are permitted to apply for attorney's fees and costs pursuant to applicable law and rules.

IT IS ORDERED that Judgment is entered for Defendants Matthew Vollmer, David Fox, and the City of Albuquerque on all of Plaintiff Justin Maples' claims against them. All claims against Vollmer are dismissed with prejudice. All claims against Fox are dismissed with prejudice. All claims against the City of Albuquerque are dismissed with prejudice. The case is dismissed with prejudice.



UNITED STATES DISTRICT JUDGE

Counsel:

Anna C. Martinez
Albert L. Hutchinson, Jr.
Aequitas Law, LLC
Albuquerque, New Mexico

Attorneys for the Plaintiff

David Tourek
City Attorney
Stephanie M. Griffin
Kristin J. Dalton
Assistant City Attorneys
City of Albuquerque
Albuquerque, New Mexico

Attorneys for the Defendants